

UNITED STATES BANKRUPTCY COURT
NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION

IN RE: : CHAPTER 7
: :
BARBARA JENNINGS, : CASE NO. 19-53917-SMS
: :
: :
DEBTOR. : :

**UNITED STATES TRUSTEE'S MOTION FOR EXTENSION OF TIME
TO FILE A MOTION TO DISMISS PURSUANT TO 11 U.S.C. § 707 AND
COMPLAINT TO DENY DISCHARGE PURSUANT TO 11 U.S.C. § 727**

Mary Ida Townson, United States Trustee for Region 21, pursuant to Rules 1017(e) and 4004(b) of the Federal Rules of Bankruptcy Procedure, moves the Court to extend the deadline for the United States Trustee to file a motion to dismiss pursuant to Bankruptcy Code section 707 and the deadline for the United States Trustee to file a complaint to deny discharge pursuant to section 727. In support thereof, the United States Trustee shows the Court as follows:

1. Barbara Jennings (the “Debtor”) commenced this case March 11, 2019, by filing a petition for relief under chapter 13 of the United States Bankruptcy Code. On December 5, 2022, the case was converted to chapter 7. (Dkt. No. 64)
2. Debtor is an individual and her petition indicates that her debts are primarily consumer debts. (Dkt No. 1)
3. S. Gregory Hays (“Trustee Hays”) was appointed as the chapter 7 trustee in this case, and he continues to serve in that capacity.

4. After the case was converted, the chapter 7 section 341 meeting of creditors was set for January 10, 2023, but reset to February 13, 2023, because the Debtor failed to appear. The February 13, 2023, meeting of creditors was reset to March 16, 2023, because the Debtor again failed to appear.

5. Federal Rule of Bankruptcy Procedure 1017(e) provides that, “except as otherwise provided in § 704(b)(2), a motion to dismiss a case for abuse under § 707(b) or (c) may be filed only within 60 days after the first date set for the meeting of creditors under § 341, unless, on request filed before the time has expired, the court for cause extends the time for filing the motion to dismiss.” The deadline under Rule 1017(e)(1) is March 13, 2023.

6. Federal Rule of Bankruptcy Procedure 4004(a) provides that a complaint objecting to discharge must be filed no later than 60 days after the first date set for the meeting of creditors. The deadline under Federal Rule of Bankruptcy Procedure 4004(a) is March 13, 2023.

7. The United States Trustee requests extension of the deadlines because the Debtor has not appeared for the previously scheduled chapter 7 meetings of creditors and because Trustee Hays has not concluded the meeting of creditors.

WHEREFORE, the United States Trustee requests the Court extend the deadline for the United States Trustee to file a motion under section 707(b) and the deadline to file a complaint to deny discharge pursuant to section 727 through and including May 12, 2023. The United States Trustee requests the Court order that, in the event this case is converted

to chapter 13 prior to expiration of the deadlines and later reconverted to chapter 7, the deadlines will be extended to the date that is 90 days after entry of the order reconverting the case to chapter 7.

MARY IDA TOWNSON
UNITED STATES TRUSTEE
REGION 21

By: _____ /s/
Alan Hinderleider
Georgia Bar No. 938543
United States Department of Justice

Office of the United States Trustee
362 Richard Russell Building
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CERTIFICATE OF SERVICE

This is to certify that I have on this day electronically filed the foregoing *Motion for Extension of Time to File a Motion to Dismiss Pursuant to 11 U.S.C. § 707 and Complaint to Deny Discharge Pursuant to 11 U.S.C. § 727* using the Bankruptcy Court's Electronic Case Filing program, which sends a notice of this document and an accompanying link to this document to the following parties who have appeared in this case under the Bankruptcy Court's Electronic Case Filing program:

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I further certify that on this day, I caused a copy of this document to be served via United States First Class Mail, with adequate postage prepaid on the following parties at the address shown for each.

Barbara Jennings
3720 Montrose Pond Walk
Duluth, GA 30096

[signature on following page]

/s/

Alan Hinderleider
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